

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CSX CORPORATION,

Plaintiff,

v.

THE CHILDREN'S INVESTMENT FUND  
MANAGEMENT (UK) LLP, THE CHILDREN'S  
INVESTMENT FUND MANAGEMENT  
(CAYMAN) LTD., THE CHILDREN'S  
INVESTMENT MASTER FUND, 3G CAPITAL  
PARTNERS LTD., 3G CAPITAL PARTNERS,  
L.P., 3G FUND, L.P., CHRISTOPHER HOHN,  
SNEHAL AMIN AND ALEXANDRE BEHRING,  
A/K/A ALEXANDRE BEHRING COSTA,

Defendants.

ECF Case

08 Civ. 02764 (LAK)

**NOTICE OF APPEAL**

THE CHILDREN'S INVESTMENT MASTER  
FUND,

Counterclaim and Third-  
Party Plaintiff,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-  
Party Defendants.

3G CAPITAL PARTNERS LTD., 3G CAPITAL  
PARTNERS, L.P. AND 3G FUND, L.P.,

Counterclaim Plaintiffs,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim Defendants.

PLEASE TAKE NOTICE that plaintiff CSX Corporation hereby appeals to the United States Court of Appeals for the Second Circuit from the Final Judgment and Permanent Injunction of this Court entered June 11, 2008, and from the Opinion of this Court entered the same day, to the extent the Court denied injunctive relief sought by plaintiff (e.g., the Court refused to enjoin “defendants from voting the 6.4 percent of [plaintiff’s] shares that they acquired between the expiration of [ ]10 days following the formation of the group no later than February 13, 200[7] and the date of the trial”).

June 12, 2008

Respectfully submitted,

**CRAVATH, SWAINE & MOORE LLP,**

by

A handwritten signature in black ink, appearing to read 'Rory O. Millson', is written over a horizontal line.

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Third-Party Defendant Michael Ward  
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